

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

**IN RE: SAMSUNG TOP-LOAD )  
WASHING MACHINE MARKETING, )  
SALES PRACTICES AND PRODUCT )  
LIABILITY LITIGATION )  
                                )  
                                )      **MDL Case No. 17-md-2792-D**  
                                )  
**THIS DOCUMENT RELATES TO )  
ALL CASES                   )****

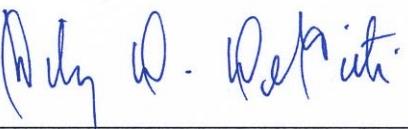
**ORDER**

Pursuant to the Notice [Doc. No. 126] issued on October 16, 2018, a hearing will be held November 29, 2018, at 10:00 a.m. to address the MDL Plaintiffs' Motion for Preliminary Approval of Settlement [Doc. No. 108]. At this stage of the settlement proceedings, the Court must examine "the fairness of the proposed settlement and determine[] whether it has any reason to not notify the class members of the proposed settlement or to not hold a fairness hearing." *In re Motor Fuel Temperature Sales Practices Litig.*, 286 F.R.D. 488, 492 (D. Kan. 2012) (*citing Am. Med. Ass'n v. United Healthcare Corp.*, No. 00 Civ. 2800 (LMM), 2009 WL 1437819, at \*3 (S.D.N.Y. May 19, 2009) and *Gautreaux v. Pierce*, 690 F.2d 616, 621 n. 3 (7th Cir.1982)). In making this determination, the Court considers whether "the proposed settlement 'appears to be the product of serious, informed, non-collusive negotiations, has no obvious deficiencies, does not improperly grant preferential treatment to class representatives or segments of the class and falls

within the range of possible approval.” *Id.* (quoting *Am. Med. Ass’n*, 2009 WL at \*3.).

The Court finds that in order to fully examine the fairness of the proposed MDL settlement to putative class members, it must consider any possible overlapping settlement proposed in the New Jersey cases recently transferred to the MDL.<sup>1</sup> JPML Conditional Transfer Order, October 4, 2018, [Doc. No. 125]. Briefing previously filed in the District Court of New Jersey and before this Court relating to the proposed New Jersey settlement is sufficient to inform the Court on the relevant issues. No further briefing is necessary. However, the Court will hear any argument the parties wish to make regarding the proposed New Jersey settlement at the November 29, 2018, hearing.

**IT IS SO ORDERED** this 19<sup>th</sup> day of October, 2018.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> *Kennedy v. Samsung Electronics America, Inc.*, Case No. CIV-14-4987 (D.N.J. 2014); *Orenstein v. Samsung Electronics America, Inc.*, Case No. CIV-15-4054 (D.N.J. 2015).